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by the judge and attested by the clerk, followed by a transcript of the evidence certified by the clerk as a true transcript of the evidence, the evidence was sufficiently certified to the court on writ of error.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 2713; Dec. Dig. § 614.*]

2. Trial (§ 139*)—Questions for Jury—Weight of Evidence.—

Where, on a demurrer to the evidence, the evidence is such that a jury might have found a verdict for the demurree, or where reasonably fair-minded men might differ about the question, the decision must be against the demurrer.

[Ed. Note.—For other cases, see Trial, Cent. Dig. § 338; Dec. Dig. § 139.*]

3. Evidence (§ 120*)—Burden of Proof—Extent of Burden.—Plaintiff, in an action for personal injury, is not bound to prove his case beyond a reasonable doubt any more than in any other civil action, but is only required to make out a prima facie case, and make it appear to be more probable that the injuries were the proximate result of defendant's negligence than from any other cause.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. §§ 224-228; Dec. Dig. § 120.*]

ROANOKE RY. & ELECTRIC CO. *v.* YOUNG.

Nov. 19, 1908.

[62 S. E. 961.]

1. Appeal and Error (§ 1058*)—Review—Harmless Error—Facts Otherwise Established.—Where the trial court refused to permit the stenographic notes of the testimony of a witness on a former trial to be read in evidence, but permitted the stenographer to give the testimony by using his notes to refresh his memory, the exclusion of the stenographic notes was not prejudicial.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 4195, 4200-4206; Dec. Dig. § 1058.*]

2. Appeal and Error (§ 843*)—Review—Questions Reviewable—Moot Questions.—The Supreme Court of Appeals will not pass upon a question the decision of which is not necessary to the disposition of the cause.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3331-3341; Dec. Dig. § 843.*]

3. Street Railroads (§ 114*)—Injury from Collision—Actions—Evidence—Sufficiency.—In an action against a street railroad for in-

*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.

juries sustained in a collision, the evidence held to sustain a verdict for plaintiff.

[Ed. Note.—For other cases, see Street Railroads, Cent. Dig. §§ 239-250; Dec. Dig. § 114.*]

4. Negligence (§ 136*)—Actions—Question for Jury.—Where reasonable men might fairly disagree upon the existence of negligence, the question is for the jury; it being for the court only where the inferences from the evidence are certain and incontrovertible, so that fair minded men would not differ in their conclusion.

[Ed. Note.—For other cases, see Negligence, Cent. Dig. §§ 279-306; Dec. Dig. § 136.*]

JACKSON *v.* VALLEY TIE & LUMBER CO.

Nov. 19, 1908.

[62 S. E. 964.]

1. Equity (§ 415*)—Decree—Form and Sufficiency.—It is no objection to a decree that the reasons for the decisions are recited therein.

[Ed. Note.—For other cases, see Equity, Cent. Dig. § 936; Dec. Dig. § 415.*]

2. Bankruptcy (§ 199*)—Distribution of Estate—Attachment—Lien.—Under Bankruptcy Act July 1, 1898, c. 541, § 67f, 30 Stat. 565 (U. S. Comp. St. 1901, p. 3450), providing that all attachments or other liens against a person who is insolvent at any time within four months prior to the filing of a petition in bankruptcy against him are void in case he is adjudged a bankrupt, the debtor must not only be insolvent, but the insolvency must have existed at the time the lien attached.

[Ed. Note.—For other cases, see Bankruptcy, Dec. Dig. § 199*]

3. Bankruptcy (§ 216*)—Distribution of Estate—Actions—Evidence.—Under Bankruptcy Act July 1, 1898, c. 541, § 67f, 30 Stat. 565 (U. S. Comp. St. 1901, p. 3450), making void liens created against a bankrupt within four months prior to the filing of the petition, the burden of proving insolvency at the time the lien was created is on the one asserting it.

[Ed. Note.—For other cases, see Bankruptcy, Dec. Dig. § 216.*]

4. Bankruptcy (§ 200*)—Distribution of Estate—Attachments and Other Liens—Incipency.—Under Bankruptcy Act July 1, 1898, c. 541, § 67f, 30 Stat. 565 (U. S. Comp. St. 1901, p. 3450), providing that attachments or other liens against a person who is insolvent at any time within four months prior to the filing of the petition in bank-

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